

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

THE ESTATE OF ERIK A. POWELL,) Civil No.
THROUGH PERSONAL REPRESENTATIVE) CV04-00428LEK
MARY K. POWELL; THE ESTATE OF)
JAMES D. LAUGHLIN, THROUGH PERSONAL)
REPRESENTATIVE RAGINAE C. LAUGHLIN;)
MARY K. POWELL, INDIVIDUALLY;)
RAGINAE C. LAUGHLIN, INDIVIDUALLY;)
CHLOE LAUGHLIN, A MINOR, THROUGH)
HER NEXT FRIEND, RAGINAE C.)
LAUGHLIN,)

Plaintiffs,)

vs.)

CITY AND COUNTY OF HONOLULU,)

Defendant,)

and)

CITY AND COUNTY OF HONOLULU,)

Third-Party Plaintiff,)

vs.)

UNIVERSITY OF HAWAII, a body)
corporate; JOHN DOES 1-10, JANE)
DOES 1-10; DOE CORPORATIONS and)
DOE ENTITIES,)

Third-Party Defendants.)

DEPOSITION OF DANIEL NEVES

Taken on behalf of Plaintiffs at the Law Offices
of Ian L. Mattoch, 737 Bishop Street, Suite 1835,
Honolulu Hawaii, commencing at 2:00 p.m. on March
24, 2006, pursuant to Notice.

Before: WILLIAM T. BARTON, RPR, CSR NO. 391

EXHIBIT C

<p style="text-align: right;">Page 58</p> <p>1 Q. The victim was vomiting?</p> <p>2 A. Yeah. Because I gave him CPR. I was</p> <p>3 blowing air in his stomach. And he just ate right</p> <p>4 before he went out. He had to have. Because it</p> <p>5 was just -- grotesque. It was obstruction</p> <p>6 everywhere. It was like I was changing the</p> <p>7 position of his head. Kept on doing a mouth</p> <p>8 sweep. It was just really nasty. It was nasty.</p> <p>9 I -- I -- we kept on going, kept on</p> <p>10 going. It seemed like forever before anybody got</p> <p>11 down there to help us.</p> <p>12 Q. You were doing the mouth-to-mouth or the</p> <p>13 chest compressions or both?</p> <p>14 A. We got him on the ledge. I was doing --</p> <p>15 I was holding the head, and I was also doing</p> <p>16 the -- airway. Pumping air into him.</p> <p>17 Q. And so it seemed like forever until</p> <p>18 somebody came.</p> <p>19 Then who did come on to the scene?</p> <p>20 A. Ron Bregman.</p> <p>21 Q. And then what?</p> <p>22 A. He was just like, Are you okay? I'm</p> <p>23 just looking at him going, No, I'm not. No, I'm</p> <p>24 okay. We're getting air in him.</p> <p>25 Q. Who was doing CPR at that point?</p>	<p style="text-align: right;">Page 60</p> <p>1 because Ron Bregman jumped in the back of Witches</p> <p>2 Brew to look for a possible, another suspect,</p> <p>3 because we kept on talking to each other, why</p> <p>4 would he be alone.</p> <p>5 Q. The lifeguards were talking to each</p> <p>6 other?</p> <p>7 A. Me, Clarence and Ron, we were talking</p> <p>8 with each other while we were doing CPR, and we</p> <p>9 were just like, Wait, this is not likely for him</p> <p>10 to be by himself here. And sure enough, he jumped</p> <p>11 in the back, but he didn't see anyone.</p> <p>12 Q. Jumped in the back where?</p> <p>13 A. Of Witches Brew, to where the second man</p> <p>14 was, but we didn't see him.</p> <p>15 Q. And the body was still on the ledge at</p> <p>16 this point, the first victim?</p> <p>17 A. Correct. While we were doing CPR. Then</p> <p>18 the fire department came, and I left right when</p> <p>19 the fire -- because I was just, you know -- and</p> <p>20 I -- I walked back.</p> <p>21 Q. Did the fire department take over at</p> <p>22 that point?</p> <p>23 A. Everything was just like this, so much.</p> <p>24 Q. You mean so fast?</p> <p>25 A. Yeah, it was just so fast. Most of the</p>
<p style="text-align: right;">Page 59</p> <p>1 A. Me and Clarence Moses. He was doing</p> <p>2 compressions, and I was doing the airway.</p> <p>3 And I was getting air into him</p> <p>4 sometimes, and sometimes I couldn't, because it</p> <p>5 was so, so much vomit.</p> <p>6 He was like we had to keep on flipping</p> <p>7 him over and V-VAC'ing him out, doing finger</p> <p>8 sweep.</p> <p>9 Q. What is "V-VAC"?</p> <p>10 A. A little suction thing we have that just</p> <p>11 vacuums the vomit out of his airway.</p> <p>12 And it's like the more air we pushed in</p> <p>13 him and the more compressions he did, the more</p> <p>14 vomit. He was just -- you know.</p> <p>15 Q. Okay. So then Bregman got on to the</p> <p>16 scene. And then what happened?</p> <p>17 A. I'm not -- he asked if he -- he goes,</p> <p>18 Let me do it, let me take over, because he knew I</p> <p>19 was tired. I don't know how long I was doing it,</p> <p>20 I don't know how long my epinephrine was going. I</p> <p>21 was just exhausted at the time.</p> <p>22 He took over, I guess. That I remember.</p> <p>23 He took over. And -- and/or fire -- fire didn't</p> <p>24 arrive yet.</p> <p>25 No, I had to have been doing CPR,</p>	<p style="text-align: right;">Page 61</p> <p>1 times, they just pushed, bullied their way in and</p> <p>2 take over, anyway. I'm sure it was gross for me,</p> <p>3 and I was like, you know what, I'm over this.</p> <p>4 Take over.</p> <p>5 And they just pushed away anyway, and I</p> <p>6 walked off. And walked back around. Everybody</p> <p>7 was clapping. Standing ovation for me. La, la,</p> <p>8 la, whatever.</p> <p>9 Q. You mean the people on the beach?</p> <p>10 A. Yeah. And then all of a sudden, this</p> <p>11 lady comes up and again, the same lady that</p> <p>12 approached me.</p> <p>13 Q. Was it the same?</p> <p>14 A. Yes. And I explained to her what the</p> <p>15 gentleman looked like that we just helped.</p> <p>16 Q. What did she say to you?</p> <p>17 A. I think she just was in disbelief of --</p> <p>18 the description that I gave her, because she</p> <p>19 didn't -- the description that I gave her did not</p> <p>20 follow on either her husband or her brother, and I</p> <p>21 didn't know -- I didn't know if they were</p> <p>22 relatives at the time.</p> <p>23 Q. You later learned that was Katie Powell</p> <p>24 you were speaking with?</p> <p>25 A. Correct. Whoever I wrote the name down</p>